IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.534 OF 2005

Mrs.Anusha Shetty and
Or. ..Petitioners

Vs.

Shri.Sanjay V.Bhandare
and Anr. ..Respondents

...
Mr.J.K.Hegde for petitiones
Ms.S.V.Gajare A.P.P. for State
...

WITH
CRIMINAL WRIT PETITION NO.535 OF 2005

Mrs.Anusha Shetty
and Or. ..Petitioners

Vs.

Shri.Shrikant M.Malpady
& Anr. ..Respondents

...
Mr.J.K.Hegde Advocate for Petitioners
Ms.S.V.Gajare A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 8,2005

P.C.

1. Heard the learned advocate for the petitioners

and learned A.P.P. for the State. None appears for the respondent no.1-compalinant though served.

2. The petitioners are seeking quashing of proceedings relating to Criminal Case Nos.292/S/2005 and 293/S/2005 pending before the learned Metropolitan Magistrate, 12th Court at Bandra, Mumbai. In the said cases, process has been issued against the petitioners under Section 138 of Negotiable Instruments Act. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. It is further submitted that if the process issued against the petitioners is set aside, the proceedings in respect of the petitioners, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in

my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revisions will be preferred within six weeks from today. I am informed that the matters are kept before the trial Court on 5.10.2005. In view of the above statement, the trial Court shall not proceed with the trial on 5.10.2005 and for a period of two weeks thereafter.

5. On the necessary revisions being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matters on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]